

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**ALL SPECIALIZED CARE AND
HEALTH SERVICE, INC.**

Debtor(s)

CASE NO. 10-04345

CHAPTER 11

**MOTION TO ASSUME EXECUTORY CONTRACT-LEASE CONTRACT WITH F.B.
PROPERTIES INC. ACCORDING TO 11 USC § 365 (A)
AND BANKRUPTCY RULE 6006 AND 9014**

TO THE HONORABLE COURT:

Comes now Debtor, All Specialized Care and Health Service, Inc. represented by the undersigned attorney and very respectfully states and prays as follows:

1. Debtor in the course of doing business entered the following lease contract as “Lessee” which debtor desires to assume in the best interest of the estate:
 - a. Lease agreement dated 12 of January of 2005 in which F.B. Properties, Inc. is the “Lessor” and debtor is the “Lessee” in which originally consisted of approximately 9,000 thousand square feet which has been reduced to 4,644 square feet for the term of (16) sixteen years, which was supposed to begin no later than April 15, 2005, but the property was not ready for that date and it commenced on August 7, 2007 according to debtor and there is a dispute with “lessor” related to this date and to what amount is owed pre petition.
2. The undersigned attorney and Rosendo E. Miranda attorney for F.B. Properties, Inc. met at his office and I delivered to him manager check no. 534283, dated 11/16/2010 for the amount of \$17,425.45 (exhibit I) which included all post petition rent owed by debtor to Lessor, F. B. Properties, Inc. up to November 2010 as per Post Petition rent analysis provided to us by counselor for Lessor, (Exhibit II) of debtor.
3. That this amount of money owed pre-petition is in dispute and some documents

were provided to the undersigned attorney for our consideration and we agreed that I would be filing a motion for Assumption of such executory contract, (The lease contract) and that we will continue meeting to determine the amounts owed by debtor pre-petition, which according to debtor is \$7,741.99 and according to lessor is much higher.

4. As debtor needs that this amount owed pre-petition be determined in order to provide adequate assurance to lessor as requested in 11 USC § 365 (3)(A) debtor will determine the course of action to be taken if no agreement is reached.
5. Debtor is current in his post-petition lease payments to F.B. Properties Inc. and will continue to make the regular monthly payments in the future.
6. That the leased property is necessary for debtors operation under Chapter 11 and his reorganization.
7. That debtor has informed his lessor F.B. Properties, Inc. Through their counsellors that there are more than fifty leaks of water in the leased property by debtors which has to be repaired immediately because each time there is intense rain the lessee have about 50 pales to collect the water and try to avoid the damages to his ceiling and the machinery. This has been occurring for more than two years.

WHEREFORE, it is respectfully requested from this Honorable Court to enter an order approving their assumption of the aforesaid executory contract.

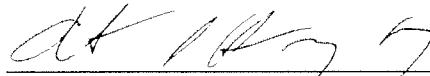
Respectfully submitted, this 24th day of November, 2010

NOTICE

Within twenty one (21) days after service as evidence by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE

I HERBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the Chapter 13 US Trustee, and all participants of CM/EMF; and by regular mail to all non-CM/ECF participants, creditors and parties in interest, as per attached list.



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SAN JUAN, PR 00910-0509
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CERTIFICATE OF SERVICE

I DO HERBY CERTIFY that on this date I electronically filed a true and exact copy of the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

ANTONIO I. HERNANDEZ RODRIGUEZ ahernandezlaw@yahoo.com

DIOMEDES M LAJARA RADINSON dlajara@lra-law.com,
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EDGAR ALBERTO VEGA RIVERA edvega@bppr.com,
quiebras@bppr.com

I DO HERBY FURTHER CERTIFY that on the same date a true and exact copy of the foregoing has been sent by regular United States mail to Debtors, All Specialized Care and Health Services, Inc., 1311 Americo Miranda Ave, San Juan PR 00921 and to the following:

ALL ORTHODONTICS SERVICES P S C
1311 AMERICO MIRANDA AVE
SAN JUAN PR 00921-2109

ALL SPECIALIZED CARE AND HEALTH SERVICES INC

CONVENTION CENTER PARKING INC
600 MANUEL FERNANDEZ JUNCOS AVE
SUITE GC-14 ADMINISTRATION OFFICE
SAN JUAN PR 00907

DAD DEVELOPERS AND CONTRACTORS INC
1311 AMERICO MIRANDA AVE
SAN JUAN PR 00921-2109

FB PROPERTIES INC
PMB 465 90 RIO HONDO AVE
BAYAMON PR 00961-3105

FB Properties, Inc.

GOLDEN TRIANGLE REALTY, S.E.
600 MANUEL FERNANDEZ JUNCOS, AVE
SUITE GC-14, ADMINISTRATION OFFICE
SAN JUAN PR 00907

LCDO FERNANDO AGRAIT
701 PONCE DE LEON AVE
CENTRO DE SEGUROS SUITE 414
SAN JUAN PR 00907

LCDO. FERNANDO FONT LEE
PO BOX 8328
SAN JUAN PR 00910-0328


LCDO. JOSE PRIETO CARBALLO
PO BOX 363565
SAN JUAN PR 00936-3565

M.L. & R.E. LAW FIRM
513 JUAN J. JIMENEZ ST.
HATO REY
SAN JUAN PR 00918

POPULAR AUTO (POPULAR LEASING)
BANKRUPTCY DEPARTMENT
PO BOX 366818
SAN JUAN PUERTO RICO 00936-6818

POPULAR AUTO, INC
PO BOX 50045
SAN JUAN PR 00903

In San Juan, Puerto Rico, this 24th day of November, 2010.



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EMAIL:ahernandezlaw@yahoo.com

Exhibit I

First Bank **Manager's Check** **Check No. 534283**
101-71472215
Purchaser: ALL SPECIALIZED CARE & HEALTH SERVICES, INC. **Date: 11/16/2010**
/ *****Seventeen Thousand Four Hundred Twenty-Five and 45/100 Dollars*****
The **FB PROPERTIES, INC.** **\$17,425.45**
Pay to the order of:
DRAWN ON FIRSTBANK
SAN JUAN, PUERTO RICO
01-0100
⑈534283⑈ ⑆221571473⑆ 1⑆3000019⑈ 40
Valid for Six Months After Issue Date
Branch 011 Teller No. 09154
Shirley Rivera

Exhibit do hoy 14/10/2011

Francisco Miranda

Exhibit II

ALL SPECIALIZED RENT ANALYSIS

POST PETITION RENT ANALYSIS FROM MAY TO NOVEMBER 2010

BASE RENT (4,644 S/F) \$8.50 (May -Nov 2010)	\$	23,026.50	
INSURANCE \$123.54		864.78	
REAL PROPERTY TAX \$261.28		1,828.96	
MAINTENANCE AS PER LEASE		2,100.00	
SUBTOTAL	\$		27,820.24
PAYMENTS AND CREDITS			
PAYMENTS MADE BY DR. QUINTERO		10,394.79	
SUBTOTAL			10,394.79
BALANCE DUE	\$		<u><u>17,425.45</u></u>